

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2012 MAY 3 PM 1 17

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

STEPHAN HARRIS, CLERK
CHEYENNE

GEORGE JAMES,

Plaintiff,

vs.

Case No. 11-CV-368-J

CHERYL WADAS and WADAS LAW
OFFICE, and ABBY SHADAKOFSKY, dba
Personal Collection Service,

Defendants.

ORDER ON INITIAL PRETRIAL CONFERENCE

Anticipated Length of Trial: 2 days

Jury: X Non-Jury:

1. N/A **CONSENT TO TRIAL BY MAGISTRATE JUDGE.** The parties are all aware of the provisions of 28 U.S.C. § 636(c) and U.S.D.C.L.R. 73.1(b), and acknowledge that this case will proceed before the District Judge assigned hereto, and not before the Magistrate Judge located in Cheyenne, Wyoming. However, the parties are not precluded from consenting to trial before a Magistrate Judge anytime sixty (60) days prior to the trial date.
2. not This **is not** a complex case.
3. not **All parties have not** complied with the requirements of Rule 26(f) of the Federal Rules of Civil Procedure. The parties have a continuing duty to supplement or correct all discovery disclosures or responses in accordance

with Fed. R. Civ. P. 26(a) and U.S.D.C.L.R. 26.1(c).

4. not

The parties have not complied with the self-executing routine discovery exchange as required by U.S.D.C.L.R.26.1(c). The parties have a continuing duty to supplement or correct all discovery disclosures or responses in accordance with Fed. R. Civ. P. 26(a) and U.S.D.C.L.R. 26.1(c). **Defendant Shadakofsky must, on or before May 14, 2013, supplement her response to interrogatories regarding her legal representation by attorney Wadas and respond to the request for admission (Question #1). Defendant Shadakofsky may supplement her answers to indicate whether defendant Wadas was retained and the purposes for which she may have been retained, matters which are not subject to the attorney client privilege in this Court's view.**

5. yes

EXCHANGE OF NAMES OF INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION AND LISTS OF EXHIBITS has been accomplished in the parties' Joint Discovery and Case Management Plan.

6. none anticipated

NEW PARTIES shall be joined by this date. The attorney causing such joinder must provide copies of this Order to the new parties.

7. none anticipated

AMENDMENTS to pleadings by Plaintiff shall be made without motion by this date. Absent parties' agreement or court approval, answers may not be amended more than 20 days after this date. Answers to amended claims are due 20 days after amended claims or counterclaims are filed. Any amendments after this date must be accompanied by a motion and will not be permitted without further order of the Court.

8. N/A

EXPERT WITNESSES FOR PLAINTIFF/COUNTER-PLAINTIFF shall be identified by a report listing the qualifications of each expert, each opinion the expert will present, and the basis for each opinion. All designations of expert witnesses must fully comply with the provisions of Local Rule 26.1(g) and shall be completed by this date. *No experts contemplated*

9. N/A

EXPERT WITNESSES FOR DEFENDANT/COUNTER-DEFENDANT shall be identified by a report listing the qualifications of each expert, each opinion the expert will present, and the basis for each opinion. All designations of expert witnesses must fully comply with the provisions of Local Rule 26.1(g). *No experts contemplated.*

10. 6/15/12 **FACT DISCOVERY** must be completed by this date. Written discovery requests are not timely if they are filed so close to this deadline that the recipient would not be required under Federal Rules of Civil Procedure to respond until after the deadline.
11. 7/20/12 **DISPOSITIVE MOTIONS** to be filed by this date. Requests for oral argument or hearing must be filed at the same time dispositive motions are filed. No hearing will be held on any dispositive motion in the absence of a timely request for hearing and as further ordered by the Court by separate order. **Generally, however, all dispositive motions will be decided on the briefs without oral argument.**
12. 8/3/12 **RESPONSES TO DISPOSITIVE MOTIONS** to be filed by this date or, if dispositive motions are filed earlier than the date set out in paragraph 11, above, within 14 calendar days after service of the dispositive motion. Requests for oral argument or hearing must be filed at the same time responses to dispositive motions are filed. No hearing will be held on any dispositive motion in the absence of a timely request for hearing and as further ordered by the Court by separate order. **Generally, however, all dispositive motions will be decided on the briefs without oral argument.**
13. 8/10/12 **REPLY BRIEFS** may only be filed if no oral argument or hearing has been set upon request and must be filed within 7 calendar days after service of any response brief, or no later than this date. **Generally, however, all dispositive motions will be decided on the briefs without oral argument.**
14. 7/20/12 **ALL OTHER PRETRIAL MOTIONS** (including *Daubert/Kumho* motions, but **not** including other motions in limine) will be filed by this date.
15. 8/3/12 **RESPONSES TO ALL OTHER PRETRIAL MOTIONS** (including *Daubert/Kumho* motions, but **not** including other motions in limine) will be filed by this date.
16. 8/10/12 **REPLIES TO ALL OTHER PRETRIAL MOTIONS** (including *Daubert/Kumho* motions, but **not** including other motions in limine) will be filed by this date.
17. 10/1/12 **JOINT FINAL PRETRIAL MEMORANDUM** shall be filed on or before this date. Plaintiff is responsible for timely filing the complete Joint Final Pretrial Memorandum in the form set forth in Appendix C to the Court

Procedures for Judge Alan B. Johnson.

18. 10/1/12 **MOTIONS IN LIMINE** shall be filed with the Joint Final Pretrial Memorandum by this date.
19. 10/15/12 **RESPONSES IN OPPOSITION TO MOTIONS IN LIMINE** shall be filed 14 calendar days after the motion in limine is filed or no later than this date.
20. 10/22/12 **REPLIES TO RESPONSES IN OPPOSITION TO MOTIONS IN LIMINE** shall be filed 7 calendar days after the response to the motion in limine is filed or no later than this date.
21. 11/15/12 **FINAL PRETRIAL CONFERENCE** shall be held on this date at 8:30 A.m. in Cheyenne, Wyoming. One hour will be allotted for the final pretrial conference. The parties shall exchange exhibits and witness lists prior to the date set for the Final Pretrial Conference.
22. 12/17/12 ~~JURY TRIAL~~ **NON-JURY TRIAL** shall be held on this date in Cheyenne, Wyoming, commencing at 1:30 P.m.
23. 12/3/12 **OBJECTIONS** to exhibits and/or witnesses shall be filed no later than this date. Any party requiring authentication of an exhibit shall do so within 7 calendar days after the exhibit has been provided.
24. 12/10/12 **RESPONSES TO OBJECTIONS** to exhibits and/or witnesses within seven (7) business days after the objection to exhibits and/or witnesses has been filed or no later than this date.
25. 12/10/12 **Trial briefs** may be submitted no later than this date.
26. 12/10/12 **For a JURY TRIAL, the parties SHALL** exchange and file proposed voir dire questions, jury instructions and special verdict forms no later than this date, subject to the right of counsel to supplement such requests during the course of trial on matters that cannot be reasonably anticipated. Proposed jury instructions, verdict forms and voir dire shall be submitted in writing and filed, as usual, and sent as an attachment via email directly to Judge Johnson's Chambers, wyjudgeabj@wyd.uscourts.gov, formatted for Wordperfect or Word. Each party may also submit a separate concise statement of their contentions, which shall be no more than one and one-half

pages in length. Requests for instructions are to include one set with authority and one additional set ready for submission to the jury; no signature block on the bottom of each instruction is necessary. Stock instructions need not be provided. However, if the parties desire instructions that differ from the stock instructions, they may provide them with their proposed substantive instructions.

27. N/A In a **NON-JURY TRIAL**, proposed Findings of Fact and Conclusions of Law shall be submitted 30 days after the transcript has become available following conclusion of the Non-Jury Trial.
28. ✓ **MEDIATION/ADR:** At the time of the Initial Pretrial Conference, it appears that settlement prospects are fair to poor.

DEADLINES WILL NOT BE CHANGED, ABSENT COMPELLING OR EXTRAORDINARY CIRCUMSTANCES. THE PARTIES SHOULD INFORM THEMSELVES OF ALL OTHER DEADLINES THAT ARE APPLIED BY THE COURT, REFLECTED IN THE COURT PROCEDURES FOR HONORABLE ALAN B. JOHNSON, AND THE APPENDICES IN THE COURT PROCEDURES, INCLUDING THE JOINT FINAL PRETRIAL MEMORANDUM AND FINAL PRETRIAL ORDER.

Dated this 3^d day of May 2012.


ALAN B. JOHNSON
UNITED STATES DISTRICT JUDGE